

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	CONSENT PRELIMINARY ORDER
- v. -	:	OF FORFEITURE/
	:	<u>MONEY JUDGMENT</u>
ROGER THOMAS CLARK,	:	
a/k/a "Variety Jones,"	:	S2 15 Cr. 866 (SHS)
a/k/a "VJ,"	:	
a/k/a "Cimon,"	:	
a/k/a "Plural of Mongoose,"	:	
	:	
Defendant.	:	
-----X	:	

THE HONORABLE SIDNEY H. STEIN, United States District Judge:

WHEREAS, on or about January 17, 2018, ROGER THOMAS CLARK (the "Defendant") was charged in six-count Superseding Indictment S2 15 Cr. 866 (SHS) (the "Indictment") with narcotics trafficking conspiracy, in violation of 21 U.S.C. §§ 812, 841(a)(1) and (b)(1)(A), and 18 U.S.C. § 2 (Count One); narcotics trafficking, in violation of 21 U.S.C. §§ 812, 841(a)(1) and (b)(1)(A), and 18 U.S.C. § 2 (Count Two); distribution of narcotics by means of the internet, in violation of 21 U.S.C §§ 812, 841(h) and (b)(1)(A), and 18 U.S.C. § 2 (Count Three); conspiracy to commit and aid and abet computer hacking, in violation of 18 U.S.C. §§ 1030(b) and 2 (Count Four); conspiracy to traffic in fraudulent identification documents, in violation of 18 U.S.C. §§ 1028(f) and 2 (Count Five); and money laundering conspiracy, in violation of 18 U.S.C. § 1956(h) (Count Six);

WHEREAS, the Indictment included a forfeiture allegation as to Count One, seeking forfeiture to the United States, pursuant to 21 U.S.C. § 853, of any property constituting or derived from any proceeds the Defendant obtained directly or indirectly as a result of the offense charged in Count One of the Indictment, and any property used or intended to be used in any

manner or part to commit or to facilitate the commission of the offense charged in Count One of the Indictment;

WHEREAS, on or about January 30, 2020, the Defendant pled guilty to a lesser included offense of Count One of the Indictment, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count One and agreed to forfeit, pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds obtained, directly or indirectly, as a result of the offense charged in Count One of the Indictment, as well as any and all property used or intended to be used in any manner or part to commit, or to facilitate the commission of, the offense charged in Count One of the Indictment, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offense charged in Count One of the Indictment that the Defendant personally obtained;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of **\$1,606,150** in United States currency representing the amount of proceeds traceable to the lesser included offense charged in Count One of the Indictment that the Defendant personally obtained, for which the Defendant is jointly and severally liable with co-conspirator Ross William Ulbricht (*see* 14 Cr. 68 (S.D.N.Y.)); and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the lesser included offense charged in Count One of the Indictment that the Defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States

Attorneys, Michael D. Neff and Vladislav Vainberg, of counsel, and the Defendant, ROGER THOMAS CLARK, and his counsel, Evan L. Lipton, Esq., that:

1. As a result of the lesser included offense charged in Count One of the Indictment, to which the Defendant pled guilty, a money judgment in the amount of **\$1,606,150** in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to the lesser included offense charged in Count One of the Indictment that the Defendant personally obtained, shall be entered against the Defendant, for which the Defendant is jointly and severally liable with co-conspirator Ross William Ulbricht.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant, ROGER THOMAS CLARK, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to 21 U.S.C. § 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

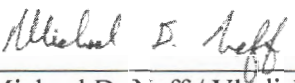
8. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture/Money Judgment to Assistant United States Attorney Tara M. La Morte, Co-Chief of the Money Laundering and Transnational Criminal Enterprises Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York 10007.

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9. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.


AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney
Southern District of New York

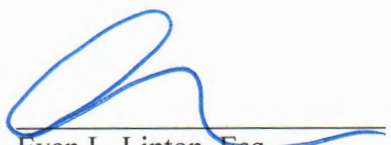
By: 
Michael D. Neff / Vladislav Vainberg
Assistant United States Attorneys
One St. Andrew's Plaza
New York, NY 10007
(212) 637-2107/1029

6/26/2023
DATE

ROGER THOMAS CLARK

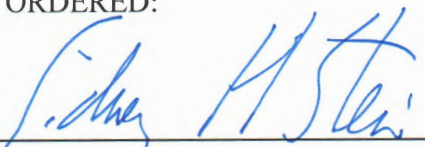
By: 
Roger Thomas Clark

July 11/23
DATE

By: 
Evan L. Lipton, Esq.
Attorney for Defendant
Law Office of Evan Lipton
250 West 55th Street, 30th Floor
New York, New York 10019

7/11/23
DATE

SO ORDERED:


THE HONORABLE SIDNEY H. STEIN
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF NEW YORK

July 11, 2023
DATE